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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/535,233	03/24/2000	Masaya Kadono	SEL 171	1670

7590 09/01/2004
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EXAMINER

COLEMAN, WILLIAM D

ART UNIT PAPER NUMBER

2823

DATE MAILED: 09/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/535,233

Applicant(s)

KADONO ET AL.

Examiner

W. David Coleman

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2823

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 11-30

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


W. David Coleman
Primary Examiner
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DETAILED ACTION

Response to Amendment After Final or Advisory Action

1. Applicant's arguments filed August 20, 2004 have been fully considered but they are not persuasive.

2. Applicants contend that independent claim 11 recites *forming a gate insulating film in contact with the semiconductor film from the surface of which the contaminating impurity has been removed* and that this feature in Lin et al., U.S. Patent 6,123,865 in view of Muraoka et al., U.S. Patent 4,339,340 is not disclosed or vaguely disclosed.

3. In response to Applicants contention that Lin in view of Muraoka fails to teach the claimed limitation *forming a gate insulating film in contact with the semiconductor film from the surface of which the contaminating impurity has been removed* is disclosed in Lin (please note that Lin teaches etching films on semiconductor wafers for integrated circuits, column 1, lines 6-7. Then Lin discloses that wet etches are especially suitable for blanket etches of polysilicon, oxide, nitride and metal. Please note that these films are well known for forming semiconductor integrated circuits) Muraoka teaches surface treating a semiconductor device and specifically a MOS device (column 2, line 38), specifically a MOS capacitor. It is well known that the structure of the MOS capacitor has a gate insulating film and a gate as the top electrode, which has motivation being a semiconductor integrated circuit being processed.

Status of the Amendment After Final Rejection

4. Applicants response will be entered for the purposes of Appeal.

Status of the pending claims After Final Rejection

5. Claims 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al., U.S. Patent 6,123,865 in view of Muraoka et al., U.S. Patent 4,339,340.
6. Claims 13, 14, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al., U.S. Patent 6,123,865 in view of Muraoka et al, U.S. Patent 4,339,340 as applied to claims 11 and 14 above, and further in view of Araujo et al., U.S. Patent 5,578,103.
7. Claims 19, 20, 23, 24, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al., U.S. Patent 6,123,865 in view of Muraoka et al, U.S. Patent 4,339,340 and Yoshikawa et al., U.S. Patent 6,106,907.
8. Claims 21, 22, 25, 26, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al., U.S. Patent 6,123,865 in view of Muraoka et al, U.S. Patent 4,339,340 and Yoshikawa et al., U.S. Patent 6,106,907 in further view of Araujo et al., U.S. Patent 5,578,103.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to W. David Coleman whose telephone number is 571-272-1856. The examiner can normally be reached on 9:00 AM-5:00 PM.
10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri can be reached on 571-272-1855. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



W. David Coleman
Primary Examiner
Art Unit 2823

WDC